

1 Amend 2 Cal. Code Regs. section 18944 to read:

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3 **§ 18944. ~~Valuation of Gifts to An Official's or a Candidate's Immediate and His or Her~~**  
4 **~~Family.~~**

5  
6 (a) For purposes of Government Code section 82028, a single gift given to both a public  
7 official or candidate (hereinafter "official") and one or more members of the official's  
8 immediate family is a gift to the official for the full value of the gift.

9 (b) ~~(a) A Gifts gift given directly to an members of an official's immediate family are is~~  
10 ~~not a gifts to the official unless it confers a personal benefit on the official. A gift confers a~~  
11 ~~"personal benefit" on the official when any of the following factors apply: used or disposed of by~~  
12 ~~the official or given by the recipient member of the official's immediate family to the official for~~  
13 ~~disposition or use at the official's discretion.~~

14 (1) Benefit: The official enjoys direct benefit from the gift, except for a benefit of  
15 nominal value;

16 (2) Use: The official uses the gift, and the official's use is not nominal or incidental to the  
17 use by the immediate family;

18 (3) Discretion and Control: The official exercises discretion and control over who will  
19 use the gift or dispose of the gift.

20 ~~(b) Gifts delivered by mail or other written communication are given directly to members~~  
21 ~~of the official's immediate family if the family members' names or familial designations (such as~~  
22 ~~"spouse") appear in the address on the envelope or in the communication tendering or offering~~  
23 ~~the gift, and the gift is intended for their use or enjoyment.~~

24 (c) Notwithstanding the provisions of subdivision (b), a gift given to a member of an  
25 official's immediate family is not a gift to the official, if the official can otherwise show that

1 there was no donor intent to make a gift to the official. Factors that may negate a donor's intent  
2 to make a gift to a public official include, but are not limited to, the following:

3 **(1) Relationship between donor and recipient:** The existence of a working or social  
4 relationship between the donor and the official's spouse or immediate family member.

5 **(2) Nature of the gift:** It is clear from the nature of the gift that only the official's  
6 immediate family members can use or enjoy direct benefit from the gift.

7 **(3) Manner in which the gift is offered or delivered:** The gift is offered or delivered to  
8 a member of the official's immediate family in a manner, and under such circumstances, that it is  
9 clear there is no intent to make a gift to the official. Such circumstances include a gift offered in  
10 writing, or delivered by mail or other written communication, to the official's family and the  
11 name or familial designation (such as "spouse") of the member or members of the immediate  
12 family appear on the envelope or in the communication rendering or offering the gift, and the gift  
13 is intended for the family member's or members' use or enjoyment.

14 ~~(c) A gift given to the official, but designated for the official and spouse or family, is a~~  
15 ~~gift to the official if the official exercises discretion and control over who will actually use the~~  
16 ~~gift.~~

17 ~~(d) If the official enjoys direct benefit from a single gift, as well as members of the~~  
18 ~~official's family, the full value of the gift is attributable to the official.~~

19 Note: Authority cited: Section 83112, Government Code.

20 Reference: Section 82028, Government Code.